

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AGAA REALTY LLC,

Plaintiff,

-against-

JP MORGAN CHASE BANK N.A.,

Defendant.

24-CV-9387 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff AGAA Realty LLC brings this action *pro se*. A nonparty individual, Michael Buxbaum, signed the complaint. Buxbaum also filed another action, in his own name, against the defendant named in this action, JP Morgan Chase Bank N.A. *See Buxbaum v. JP Morgan Chase*, ECF 1:24-CV-9388, 1 (S.D.N.Y.). In both actions, Buxbaum did not pay the fees or ask that the fees be waived.

As set forth in this order, Buxbaum is directed to notify the Court within 30 days whether he intends to proceed with this action in his own name or obtain counsel to represent the interests of Plaintiff AGAA Realty LLC.

DISCUSSION

Corporations, nonprofit organization, and other artificial entities cannot proceed *pro se*. *Rowland v. California Men's Colony, Unit II Men's Advisory Council*, 506 U.S. 194, 202 (1993) (noting that “lower courts have uniformly held that 28 U.S.C. § 1654, providing that “parties may plead and conduct their own cases personally or by counsel,” does not allow corporations, partnerships, or associations to appear in federal court otherwise than through a licensed attorney”) (citations omitted); *see also Jones v. Niagara Frontier Transp. Auth.*, 722 F.2d 20, 22 (2d Cir. 1983) (noting that “it is established that a corporation, which is an artificial entity that

can only act through agents, cannot proceed *pro se*").

This action is brought in the name of AGAA Realty LLC by Michael Buxbaum. If the claims asserted in the complaint are in fact Buxbaum's claims, he may proceed in his own name. If the claims asserted in the complaint are AGAA Realty LLC's claims, Buxbaum must obtain counsel to represent the LLC's interests. The Court therefore grants Buxbaum 30 days to notify the Court whether he intends to proceed as the plaintiff in this action or whether he intends to obtain counsel. The Court attaches to this complaint a declaration form.

CONCLUSION

The Court directs Michael Buxbaum, who signed the complaint, to notify the Court within 30 days whether he intends to proceed with this action in his own name or obtain counsel to represent the interests of Plaintiff AGAA Realty LLC. If a declaration is not filed within 30 days of the date of this order, the Court will dismiss the action without prejudice. No summons shall issue at this time.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that appellant demonstrates good faith when seeking review of a nonfrivolous issue).

SO ORDERED.

Dated: December 16, 2024
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Fill in above the full name of each plaintiff or petitioner.

Case No. _____ CV _____

-against-

Fill in above the full name of each defendant or respondent.

DECLARATION

Briefly explain above the purpose of the declaration, for example, "in Opposition to Defendant's Motion for Summary Judgment."

I, _____, declare under penalty of perjury that the following facts are true and correct:

In the space below, describe any facts that are relevant to the motion or that respond to a court order. You may also refer to and attach any relevant documents.

